

**Draft Summary of the Plenary Group Meeting  
Oroville Facilities Relicensing (FERC Project No. 2100)  
July 17, 2001**

The Department of Water Resources (DWR) hosted the Plenary Group meeting on July 17, 2001 in Oroville.

A summary of the discussions, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary of the discussion for information purposes for interested parties who could not attend the meeting.

**Introduction**

Attendees were welcomed to the Plenary Group meeting. The Plenary Group Meeting agenda and list of meeting attendees and their affiliations are appended to this summary as Attachments 1 and 2, respectively. Flip chart notes are included as Attachment 3.

**Action Items – June 11, 2001 Plenary Group Meeting**

A summary of the June 11, 2001 Plenary Group meeting is posted on the relicensing web site. The facilitator reviewed the status of action items from the June 11, 2001 Plenary Group meeting.

**Action Item #P43:** Provide the Plenary Group with Riverbend Park presentation.

**Status:** A presentation from the Interim Projects Task Force is included in this meeting.

**Action Item #P44:** Provide comments/revisions to SD 1.

**Status:** A discussion of comments received on SD 1 is included in this meeting. The Facilitator reported that comments received by DWR had already been distributed to the Plenary Group, except comments received from Tim Welch of FERC that would be distributed at this meeting. Mike Mainz of the Department of Fish and Game asked if comments on SD 1 could still be submitted. Rick Ramirez of DWR responded that comments could still be submitted.

**Action Item #P45:** Clarify DPR/DWR/FERC protocol for responding to recreation-related complaints.

**Status:** Ward Tabor from DWR provided the Plenary Group with a handout explaining the relationship between DWR, DPR and FERC as it pertains to the operation and maintenance of recreation features at the Lake Oroville Facilities. This included an overview of the Davis-Dolwig Act, Water Code Section 11900, and the Resources Agency Order #6. The handout describing the responsibilities of DPR, DWR and FERC regarding recreation at the Oroville Facilities is appended to this summary as Attachment 4.

Roger Masuda asked what protocols were in place to address problems regarding a recreation facility. Ward responded that the first contact should be with DPR then DWR and then FERC. DWR agreed to provide Plenary Group members with contact information for recreation concerns or questions.

**Action Item #P46:** Provide Master (raw) Issues List to Plenary Group participants that requested it (Davis, Poppelreiter, Dunkel, Brandt, Hodges, Porgans, Kelley).

**Status:** Completed.

## **Plenary Group Site Tour**

A half-day site tour of the Oroville Facilities was provided by DWR to approximately 30 Plenary Group members earlier today. The site tour included visits to the dam and powerhouse, emergency spillway, Riverbend Park Project site, Thermalito Diversion Dam, Power Canal, Fish Barrier Dam, and Thermalito Afterbay. The tour was informative, and future tours are available for other groups upon request.

## **Work Group Updates**

### *Recreation and Socioeconomics Work Group*

Steve Nachtman of the consulting team reviewed both the June 28, 2001 Recreation and Socioeconomics Work Group and the Work Group's Interim Projects Task Force. The Recreation and Socioeconomics Work Group meeting summary is available on the relicensing web site. The Recreation and Socioeconomics Work Group continues to develop Issue Sheets toward the goal of Study Plan development and will meet again on July 26, 2001. Steve mentioned that the Recreation and Socioeconomics Work Group reviewed a presentation from the Interim Projects Task Force on Riverbend Park and provided comments that were incorporated into the presentation the Plenary Group would see later at this meeting. He added that the Recreation and Socioeconomics Work Group directed the Interim Projects Task Force to continue their efforts to gather additional information needed and discuss options for the remaining interim projects. Steve mentioned that the Task Force met on July 10 and reviewed DPR projects previously left out of the evaluation process and decided to discuss additional screening criteria at their next meeting to be held August 7.

### *Land Use, Land Management and Aesthetics Work Group*

Steve Nachtman reviewed the July 10, 2001 the Land Use, Land Management and Aesthetics Work Group meeting. The summary is available on the relicensing web site. Steve reported that the Land Use, Land Management and Aesthetics Work Group saw a presentation on Geographic Information Systems (GIS), its potential application to land use analysis, and how the Work Group will request GIS data. He reported that the Land Use, Land Management and Aesthetics Work Group made significant progress on developing Issue Sheets and would continue that work at their next meeting on August 14, 2001. He added that the Work Group determined noise issues should be considered within the context of aesthetics.

### *Environmental Work Group*

Wayne Dyok reported that the Environmental Work Group did not meet in June, but instead held two focused Task Force meetings (June 27 & 28) to continue development of Issue Sheets. The first day focused on Water Quality and Geology/Geomorphology issues, the second day on Terrestrial and Fisheries issues. Wayne added that the Environmental Task Force resolved one Issue Statement that described a process rather than an issue, and although the concept might be considered in a settlement agreement, the Task Force determined that it did not require further study. The Task Force acknowledged that the issue author was present and concurred with the Task Force decision. The Environmental Work Group will consider Task Force recommendations at their July 25, 2001 meeting.

### *Engineering and Operations Work Group*

Ralph Torres of DWR provided an update from the June 25, 2001 Engineering and Operations Work Group meeting. A summary is available on the relicensing web site. Ralph reported that the Engineering and Operations Work Group saw a presentation from DWR and National Weather Service staff regarding flood management hydrology and forecasting. He added that the Engineering and Operations Work Group continued work on Issue Sheets, identifying resource goals and geographic scope. The Work Group initiated a Task Force that met on July 12, 2001 to further development of information needs. The Task Force will meet again on July 19, 2001. The Engineering and Operations Work Group will consider Task Force recommendations at its July 31, 2001 meeting.

### *Cultural Resources Work Group*

Dale Hoffman-Floerke of DWR provided an update on the June 26, 2001 Cultural Resources Work Group meeting, and the June 26 and July 10, 2001 Interim Studies Task Force meetings. A summary of the Cultural Resources Work Group meeting is available on the relicensing web site. Dale reported that the Cultural Resources Work Group discussed potential revisions to the Area of Potential Effect (APE). She added that the Cultural Resources Work Group agreed the existing FERC boundary would be the APE for this process, but may be expanded in the future in response to additional analysis. John Lance of DWR provided the Work Group with an overview of Geographic Information Systems (GIS) and its application to cultural resources analysis. The Cultural Resources Work Group discussed employment opportunities for local tribal members to engage in cultural resources related activities. Dale mentioned that a detailed set of employment guidelines would be developed once interest levels in the tribal communities had been evaluated. The Cultural Resources Work Group continues to develop Issue Sheets toward the goal of Study Plan development and will meet again on July 24, 2001.

Dale also reported on the Early Studies Task Force and their efforts to identify potential studies that could be conducted in the fluctuation zone during reservoir low water levels. The Task Force will report the results of these meetings to the Cultural Resources Work Group at their its meeting.

### **Riverbend Park Presentation**

The Plenary Group received a presentation on the proposed Riverbend Park Interim Project by the Recreation and Socioeconomics Work Group Interim Projects Task Force. Riverbend Park is the first Interim project presented to the Plenary Group for consideration from the Recreation and Socioeconomics Work Group and Task Force. Pete Dangermond of the Dangermond Group made the formal presentation that is appended to this summary as Attachment 5.

Pete described the location and history of the Riverbend Park Project site, special community needs the park would fulfill, significant community and agency support for the project, and the special recreational opportunities offered by this near river project. He outlined the broad objectives the Riverbend Park would satisfy and its conformity to a variety of local and regional planning documents.

Pete outlined the nine actions that in aggregate make up the Riverbend Park Project proposal, described a general strategy for environmental compliance, and explained how the project would be phased for more efficient development. The presentation also included estimated project costs and potential revenue sources.

- The Plenary Group discussed the location of the park within the floodplain of the Feather River and the potential flooding impacts on park features. Several participants were concerned about the amount of resources being committed to the project considering the probability that the facility would be periodically inundated, and the cost of reconstructing features in the park not identified in the cost estimates. They pointed out that improvements made to the area in the past had already experienced this problem. Pete Dangermond responded that most park features could be designed to resist the effects of periodic flooding, though he acknowledged that in an extreme event certain features might be washed away. He also acknowledged that no funding source had been identified to repair park features in the event of a serious flood.
- The Plenary Group discussed several issues regarding recurring operation and maintenance costs as well as the level of revenue coming from the Feather River Recreation and Parks District Proposition 12 per capita funds. One participant asked if DWR would be asked to provide annual maintenance funds. Another asked if law enforcement would be funded from the O&M revenues shown in the presentation. Pete Dangermond responded that the O&M

costs were consistent with those of other similar type of park developments and the proposal assumed that DWR would provide the annual O&M funding. Scott Lawrence of the FRRPD added that enforcement would come primarily from the City of Oroville and Butte County, though ranger patrol from DFG might be required in the areas of the park adjacent to the Wildlife Area. Scott added that the \$100,000 of Proposition 12 funds represented nearly a third of the money received by the FRRPD and that the balance of the money was being spent on other projects.

- Rick Ramirez of DWR asked if the nine elements of the project could be phased into smaller projects that could be implemented over an extended time period. Pete responded that the contouring of the mine tailings could be postponed, but that the other elements were tied to each other and it would be difficult to phase them.
- One participant asked about the anecdotal information used to substantiate some of the remarks in the presentation and the need for studies to corroborate assumptions. Several participants added that they would need additional information, including information on the remaining interim projects, before they could seek approval from their respective boards, agencies, or groups. The Plenary Group discussed how the information could be developed while satisfying the Riverbend Park proponents' desire to move the project forward and urged the Interim Projects Task Force to develop information on the other proposed interim projects sufficient to present to the Plenary Group as quickly as feasible.
- The Plenary Group discussed the intent of DWR when it first committed to considering interim projects. There was some discussion over whether the project had to first meet the criteria of an interim project as developed by the Interim Projects Task Force. Some participants agreed that Riverbend Park might not meet the criteria established for an interim project, but that it did have significant support in the community and should be considered as an interim project anyway. However, Rick Ramirez pointed out that there are other participants in the relicensing process beside DWR and the community, and consensus from the Plenary Group on this project was desired for successful incorporation into the relicensing settlement agreement.
- After some discussion, the Plenary Group agreed that the Riverbend Park project and any other interim project to be implemented, must be included in a settlement agreement as part of the relicensing process. Several participants stated they would not support any project that was not included in a settlement agreement. DWR agreed to draft proposed settlement agreement language and also prepare a draft step-by-step DWR process to be followed after Plenary Group recommendation of interim projects for discussion at the next Plenary Group meeting.
- The Recreation and Socioeconomics Work Group Interim Projects Task Force sub-group offered to meet separately with the State Water Contractors and DWR upper management to provide the Riverbend Park presentation and answer any additional questions they might have.
- One participant asked that the Riverbend Park presentation be made available on the relicensing web site or electronically. The Facilitator responded that the presentation would be appended to the meeting summary to be posted on the relicensing web site.

### **Scoping Document 1 Review**

At the June 11, 2001 Plenary Group meeting, participants agreed to review the administrative draft NEPA Scoping Document 1 and CEQA Notice of Preparation (SD1) and provide comments to DWR, who would then distribute all comments received to the Plenary Group for review prior to their July 17, 2001 meeting. All aspects of the draft document were open to comment including questions on nexus to the project, Issue Statement formatting, and the degree to which Issue Statements adequately reflect the intent of the issues that support them. Additionally, the Plenary Group was expected to provide guidance on development of a final draft of SD1 once it reviewed the submitted comments.

Ward Tabor of DWR reviewed the legal requirements relative to scoping under NEPA, CEQA and FERC regulations and explained how scoping is used to identify the range of actions, alternatives,

mitigation and effects to be analyzed in an environmental document, eliminating issues found not to be important. He pointed out that the collaborative has been effectively doing scoping through the ALP for the past year. Scoping typically invites participation by government agencies, tribes, and other interested parties. FERC regulations describe the need for scoping, as well as the need for scientific studies that are reasonable, necessary, and utilize generally accepted scientific methods. Ward stressed that SD1 is a tool not a goal, and how it should help the Plenary Group and Work Groups develop studies. A partial list of legal requirements associated with scoping is appended to this summary as Attachment 6.

Steve Nachtman described the comments received to date by DWR. Comments included individual spelling and grammar edits, recommendations for coordinating the FERC study plan and NEPA/CEQA process, requests for additional explanations of appendices included in the document, a recommendation that single text editing be used to show document revisions, identification of alleged false statements, recommendations regarding individual Issue Statements, and a recommendation for creating a task force for dealing with the revisions to SD1.

It was suggested that completing the revisions to SD1 in the Plenary Group may be difficult, Ward Tabor provided the Plenary Group with an outline of a proposed Scoping Document Task Force that would:

- Review and incorporate comments received by DWR,
  - Represent a broad range of interests but be reasonably small and include a member from each Work Group,
  - Utilize single text editing, and
  - Report back to the full Plenary Group with a revised SD1 at their August meeting
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- Participants asked how a Task Force as described could complete these tasks and meet the deadline for distributing SD1 to the public. Ward Tabor responded that it was possible to distribute the SD1 to the public by late September if the Plenary Group met again in early September to finalize any revisions to draft SD1 provided to the Plenary Group at its August meeting.
  - Richard Roos-Collins asked how this schedule aligned with the schedule for development of Study Plans. Wayne Dyok responded that the Study Plans should be completed in February 2002, so draft study plans should be submitted to the Plenary Group in December 2001. If SD1 is released in September 2001, then the schedules will align.
  - The Work Group held a lengthy discussion on specific comments received by DWR. Some participants were concerned with comments from the State Water Contractors regarding the removal of Appendix B. The SWC had suggested that if Appendix B is not removed, a preface describing the intent of Appendix B should be included in SD1. Some participants expressed concern that removing Appendix B would allow some issues to be lost or removed without discussion.
  - Jon Ruben of the Santa Clara Water District responded that the SWC comments were meant to provide clarity regarding specific issues that they believe have a nexus to the project and thus should be considered for evaluation while also indicating which issues included in Appendix B they feel do not have a nexus, and therefore should be removed. Harry Williamson of the National Parks Service concurred that as long as Appendix B is in SD1, there is the potential expectation that the applicant will deal with all of the issues through analysis even when some of them may not have a nexus to the project.
  - Jon Ruben distributed an alternative Task Force formation proposal and is appended to this summary as Attachment 7. After some discussion, the Plenary Group did not gain consensus for either Task Force suggestion and instead agreed that DWR and the consultants should revise SD1 based on the comments received to date for Plenary Group review at their August meeting. Issues and recommendations that DWR and the consultants cannot readily incorporate into SD1 will be identified for Plenary Group review and discussion. Additionally,

DWR and the consulting team will seek clarifications as required by contacting individuals who submitted comments.

### **Next Meeting**

The Plenary Group agreed to reschedule their August 15, 2001 meeting for August 30, 2001 to allow DWR and their consultants more time for SD1 revisions.

The Plenary Group agreed to meet on:

Date: Thursday August 30, 2001

Time: 5:00 p.m. to 9:00 p.m.

Location: Oroville Sports Club

The Plenary Group agreed to the following meeting dates through the end of 2001: September 24, October 17, and December 11, 2001.

### **Agreements Made**

1. The Plenary Group agreed to review the revised draft of SD1 at its next meeting.
2. The Plenary Group agreed to discuss the Proposed Riverbend Park Interim Project presentation with their respective constituents, agencies, and decision-makers.
3. The Plenary Group agreed to meet again on August 30, 2001 from 5:00 p.m. to 9:00 p.m. at the Oroville Sports Club.
4. The Plenary Group agreed to the following meeting dates: September 24, October 17, and December 11, 2001.

### **Action Items**

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action, and item status.

**Action Item #P47:** Provide participants with DPR and DWR contacts related to recreation operations at the Oroville Facilities.

**Responsible:** DWR Staff

**Due Date:** August 30, 2001

**Action Item #P48:** Riverbend Park presentation to SWC and DWR upper management.

**Responsible:** Interim Task Force members

**Due Date:** TBD

**Action Item #P49:** Provide Riverbend Park presentation as attachment to meeting summary.

**Responsible:** DWR Staff

**Due Date:** August 15, 2001

**Action Item #P50:** Provide draft Settlement Agreement language to Plenary Group.

**Responsible:** DWR Staff

**Due Date:** August 30, 2001

**Action Item #P51:** Provide a draft step-by-step process for DWR evaluation of recommended interim projects.

**Responsible:** DWR Staff

**Due Date:** August 30, 2001

**Action Item #P52:** Provide revised draft of SD1 to the Plenary Group.  
**Responsible:** DWR Staff and Consulting Team  
**Due Date:** August 30, 2001